

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

WANDA BRIANNE FREHNER,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
MOTION TO MODIFY SENTENCE

Case No. 2:06-CR-491 TS

This matter is before the Court on Defendant's Motion to Modify Sentence. In her Motion, Defendant states that she is currently being held in the Cache County Jail. On July 29, 2009, Defendant was sentenced to twelve months in the custody of the Bureau of Prisons for violating the terms of her supervised release. Defendant requests that she serve this term of imprisonment in the Cache County Jail.

18 U.S.C. § 3621(b) states that "[t]he Bureau of Prisons shall designate the place of the prisoner's confinement." The Tenth Circuit has explained that § 3621(b) gives the Bureau of Prisons the primary authority to determine the facility where a prisoner should be placed.¹ Further, the Supreme Court has held that federal prisoners generally enjoy no constitutional right

¹*Prows v. Federal Bureau of Prisons*, 981 F.2d 466, 468 n.3 (10th Cir. 1992).


to placement in any particular penal institution.² Based on this, the Court finds that it lacks the authority to mandate Defendant's placement at a particular facility.

It is therefore

ORDERED that Defendant's Motion to Modify Sentence (Docket No. 51) is DENIED.

DATED September 14, 2009.

BY THE COURT:



TED STEWART
United States District Judge

²*See id.* (collecting cases).